

Mr. Chairman and Members of the Committee:

My name is Rachel Lopez and I have been a Licensed Addictions Counselor in the State of Montana since 1998. During much of that time, I resided in Havre, Montana, and worked as a chemical dependency counselor at the state-licensed treatment agency, and in the public school system.

During that time, I visited many prisoners in the Hill County Detention Center, which houses prisoners from both Hill and Blaine Counties. The majority of the prisoners incarcerated at the detention center were invariably Native. This is evidenced by the visitors in the waiting room, and their names, which are published, along with the charges, three times weekly in the Havre Daily News.

The great majority of the arrests involve tickets for no insurance and/or no driver's licenses. The arrests and convictions involve large fines, making it even more difficult for these individuals to buy the insurance they need to comply with the law.

In one of my visits to the jail, I asked one of the prisoners about a non-Native person who had just been arrested. He replied, "Oh, they don't put those white guys back here with us, they just leave them in the holding cell." This remark graphically illustrates the accepted-as-normal fact that the jail population is overwhelmingly Native.

I worked as an ACT instructor and with DUI offenders for years, and have seen first-hand the inequities in the enforcement of the DUI laws. Often a non-Native person with funds to hire an attorney, or with an important social position in the community, will escape the consequences of the law, while a Native with few resources will receive a heavy fine and extended jail time. The way the DUI laws are written gives judges a lot of discretion in imposing the sentence.

In Hill County, and other small communities throughout the state, individuals are easily recognized, and can be stopped and arrested on the slightest pretext. In larger communities where it is easier to blend in with the crowd, a person's physical appearance alone can become a reason for a traffic stop. Though we have racial profiling laws on the books at this time, Racial profiling laws in the State of Montana need to be tied to accountability and transparency. Only in this way, can we be assured that this unequal treatment will not continue.

I urge you to vote yes on HB781 as a way to move forward into the 21st Century.